

## REMARKS

The Office Action dated August 4, 2009 has been received. Pursuant to the Request for Continued Examination filed herewith, claims 49, 65, and 81 have been amended. No new matter is introduced by these amendments and support for these amendments can be found in the present application as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

**Obviousness Rejections of Claims 49-96**

At page 2 of the Office Action, claims 49-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Date (U.S. Patent No. 5,959,677) in view of Guetz (U.S. Patent No. 6,091,777). At page 4 of the Office Action, claims 59-96 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Date in view of Guetz in further view of Putzolu (U.S. Patent No. 6,584,509). These rejections are respectfully traversed with amendment.

As noted in the previous Responses, Date discloses a technique of multiplexing “video/audio” signals allocated to different channels along with “digital data” for transmission via a transmission path. *See Date*, Abstract. Date teaches that when the “transmission rate  $R_a$ ” is higher than the “maximum transmission rate  $R_m$ ,” the variable-rate encoders 30 that encode the “video/audio signals” are controlled to reduce or “compress” each of the “video/audio” signals being transmitted so as to lower the transmission rate below the maximum transmission rate. *See Id.*, col. 5, lines 36-47 (“Incidentally, in the case where the transmission rate  $R_a$  is higher than the maximum transmission rate  $R_m$  . . . , the transmission rate evaluation control portion 3 supplies control signals 501 to the variable-rate encoders 30 so that the quantities of information generated in the variable-rate encoders 30 are reduced . . .”)(emphasis added). Thus, assuming, *arguendo*, that the transmission rate  $R_a$  being higher than the maximum transmission rate  $R_m$  constitutes not meeting a predetermined criteria, Date discloses that every “video/audio signal” is “compressed” when the predetermined criteria is not met and thus there are no “video/audio signals” not selected for compression when the predetermined criteria is not met in the system of Date.

Independent claim 49 has been amended and presently recites the features of “selecting . . . a first set of one of more multimedia channels of a plurality of multimedia channels of a first data stream responsive to determining a transmission of the first data stream is not expected to meet a predetermined criteria, . . . the plurality of multimedia channels *including one or more multimedia channels not selected for the first set*,” “compressing, at the media server, each multimedia channel of the first set to generate a second set of one or more multimedia channels;” and “generating, at the media server, a second data stream comprising the second set of multimedia channels *and the one ore more multimedia channels not selected for the first set*.” Independent claims 65 and 81 recite similar features. Thus, in contrast to Date, claims 49, 65, and 81 explicitly provide that there are one or more multimedia channels that are not selected for compression when the predetermined criteria is not met. As such, Date teaches away from this aspect of claims 49, 65, and 81. The disclosures of Guetz and Putzolu fail to compensate for the deficiencies of Date with respect to this feature of claims 49, 65, and 81. Accordingly, the proposed combinations of Date, Guetz, and Putzolu do not disclose or render obvious each and every feature presently recited by claims 49, 65, and 81, as well as the particular combinations of features recited by claims 50-64, 66-80, and 82-96 at least by virtue of their respective dependencies from one of claim 49, 65, or 81. Moreover, these dependent claims recite additional novel and non-obvious features.

In view of the forgoing, reconsideration and withdrawal of the obviousness rejections is respectfully requested.

## **Conclusion**

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-1835.

Respectfully submitted,

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Date